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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,657	09/29/2004	Teruyuki Yatabe	029650-158	2288
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			WITCZAK, CATHERINE	
ALEXANDRIA	A, VA 22313-1404		ART UNIT	PAPER NUMBER
			3767	-
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			NOTIFICATION DATE	DELIVERY MODE
•		•	02/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com debra.hawkins@bipc.com

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMINICATION. Extension of time may be a validable under the provision of 37 CPR 1.136(b). In no event, however, they a reply be timely filled. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication. Pallute for reply the graded above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication. Pallute for reply the Gritch above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication. Pallute for reply the graded above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication. Pallute for the communication. Pallute for the communication and the second provided in the communication. Pallute for the communication. Pallute for the communication. Status 1) Second Responsive to communication(s) filled on 16 July 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 and 5-18 is/are pending in the application. 4) Claim(s) 1-3 and 5-18 is/are pending in the application. 4) Claim(s) 1-3 6.9-11.13 and 17 is/are withdrawn from consideration. 5) Claim(s) 1-3 6.9-11.13 and 17 is/are withdrawn from consideration. 5) Claim(s) 5-7.8.12.14-16 and 18 is/are objected to. 6) Claim(s) 5-7.8.12.14-16 and 18 is/are objected to. 8) Claim(s) 5-7.8.12.14-16 and 18 is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in a			<i>0 X</i>					
Examiner CATHERINE N WITCZAK 3767 - The MAILING DATE of this communication appears on the cover sheet with the correspindence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estractors of time may be a valiable, under the povisions of 37 CPR 1.05(b). In no event, however, may a reply be thirty find in 11 to part of the reply is specified show, the maximum statusey period vit align and vil outpins 31 (DR) MONTHS from the mailing date of this communication. Fallue to septy whithe the set of standard particle for reply visib, by distuits period vit align and vil outpins 31 (MONTHS from the mailing date of this communication. Fallue to septy whith the set of standard particle for reply visib, by distuits, cause the application to become ABANCHED (99 U.5, c. 5 133). Status 1) Responsive to communication(s) filled on 16 July 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 and 5-18 Is/are pending in the application. 4) Claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) 3-7.8 12-14-6 and 18 Is/are rejected. 7) Claim(s) 3-7.8 12-14-6 and 18 Is/are objected to. 8) Claim(s) 3-7.8 12-14-6 and 18 Is/are objected to. 9) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The providence and the providen		Application No.	Applicant(s)					
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	11) The oath or declaration is objected to by the Ex	xaminer. Note the attached Offic	e Action or form P1O-152.					
a) ☐ All b) ☐ Some * c) ☒ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	Priority under 35 U.S.C. § 119							
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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: The first line of the specification should include reference to any claims for foreign or domestic priority.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "a plane which crosses said first ground facet perpendicularly thereto and comprises a central axis of said needle tube is regarded as a central plane" does not claim the exact plane which the Applicant is intending to refer to. Examiner suggests rewording this limitation as "a plane which crosses said first ground facet perpendicularly thereto, is parallel to the central axis, and comprises a central axis of said needle tube is regarded as a central plane" so as to more accurately define the plane the Applicant is referring to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 9, 10, 11 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLuca (US 3,308,822).

De Luca discloses in Figure 4 an injection needle having a first ground facet 84 formed on a distal end of a needle tube and at least two ground facets (12 and 13) subsequently formed to provide a needle point, characterized in that said first ground facet is of a substantially elliptical shape; a plane which crosses said first ground facet perpendicularly thereto and comprises a central axis of said needle tube is regarded as a central plane; and the needle point is not present on said central plane, see more specifically figures 4.

With regards to claims 2 and 10, wherein the minimum distance between said needle point and said central plane is in the range from 3 to 20% of the maximum outside diameter of said first ground facet in the direction of a minor axis thereof as seen in Figure 4.

With regards to claims 6 and 11, wherein the injection needle of De Luca would be fully capable of piercing a silicone rubber sheet having a thickness of 0.5 mm at a penetration speed of 10 mm/min, with an initial value of the load with respect to a penetration distance being 6 gf/mm or less due to it's size, shape and ability to work in the environment and since it meets all the structural limitations of the claims.

Allowable Subject Matter

Claims 5, 7, 8, 12, 14-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

Applicant's arguments with respect to the claims have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE N. WITCZAK whose telephone number is (571)272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WWW 1/4/08

KEVIN C. SIRMONS SUPERVISORY PATENT EXAMINER

Therin C. Sermons